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APR 22 2004

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OFFICIAL

To: U.S. Patent and Trademark Office
Examiner R. Prouty

Facsimile: 703-872-9306

From: Gregory P. Einhorn, Esq.

Date: April 22, 2004

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Comments:

ATTORNEY DOCKET: 56446-2000120
GROUP ART UNIT: 1652
EXAMINER: R. Prouty
SERIAL NO.: 09/884,889
FILING DATE: June 19, 2001
INVENTOR(S): Jay M. SHORT et al.
TITLE: CATALASES

Papers attached:

1. Response and Amendment - 29 pgs.
2. Transmittal - 1 pg.
3. Fee Transmittal - 1 pg. + 1 copy for processing
4. Petition for Extension of Time - 1 pg.
5. Declaration Under 37 CFR§1.132 w/Curriculum Vitae - 15 pgs.
6. Example 14 of the USPTO Written Description Guidelines - 3 pgs.
7. Copy of Applicants' June 23, 2003 IDS - 3 pgs.

sd-195859

PTO/SB/21 (08-03)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

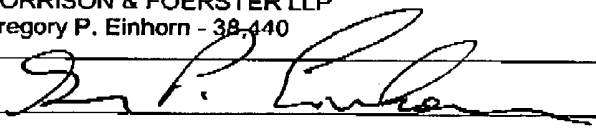
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| | | | |
|---|----|------------------------|---------------|
| <h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p> | | Application Number | 09/884,889 |
| | | Filing Date | June 19, 2001 |
| | | First Named Inventor | Jay M. SHORT |
| | | Art Unit | 1652 |
| | | Examiner Name | R. Prouty |
| Total Number of Pages In This Submission | 54 | Attorney Docket Number | 564462000120 |

ENCLOSURES (Check all that apply)

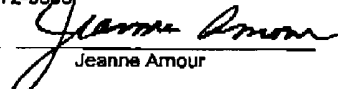
| | | |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form + 1 copy <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply - 29 pages <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request - 1 pg. <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration Under 37 CFR Section 1.132 with Curriculum Vitae - 15 pgs.; Example 14 of the USPTO Written Description Guidelines - 3 pgs.; copy of previously submitted IDS w/PTO form 1449 - 3 pgs. |
| Remarks Customer No. 25,225 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | MORRISON & FOERSTER LLP Gregory P. Einhorn - 38-440 |
| Signature |  |
| Date | April 22, 2004 |

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4/22/04 
 Date of Transmission Jeanne Amour

sd-195855

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 475.00**Complete If Known**

| | |
|----------------------|---------------|
| Application Number | 09/884,889 |
| Filing Date | June 19, 2001 |
| First Named Inventor | Jay M. SHORT |
| Examiner Name | R. Prouty |
| Art Unit | 1652 |
| Attorney Docket No. | 564462000120 |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|------------------------|----------|
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$) 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | | | |
| Multiple Dependent | | | |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|---|----------|
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 | |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid | |
| 1204 | 66 | 2204 | 43 | Reissue independent claims over original patent | |
| 1205 | 18 | 2205 | 9 | Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$) 0.00

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1231 | 110 | 2231 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 650 | 2253 | 475 | Extension for reply within third month | 475.00 |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 840 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(a) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(e)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 475.00**SUBMITTED BY**

Name (Print/Type) Gregory P. Einhorn

Signature

Registration No. (Attorney/Agent)

38,440

(Complete if applicable)

Telephone (858) 720-5100

Date

April 22, 2004

SD-195856

PTO/SB/17 (10-03)
Approved for use through 7/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 475.00

Complete if Known

Application Number 09/884,889
Filing Date June 19, 2001
First Named Inventor Jay M. SHORT
Examiner Name R. Prouty
Art Unit 1652
Attorney Docket No. 564462000120

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
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| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1480 | 130 | 1480 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(a) | |
| 1808 | 180 | 1808 | 180 | Submission of Information Disclosure Sheet | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.120(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 475.00

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
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| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 180 | 2005 | 90 | Provisional filing fee | |

SUBTOTAL (1) (\$ 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | ** = | x | = |
| Multiple Dependent | ** = | x | = |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
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| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 0.00

** or number previously paid, if greater. For Reissues, see above

| | | | |
|-------------------|--------------------|-----------------------------------|----------------|
| SUBMITTED BY | | (Complete if applicable) | |
| Name (Print/Type) | Gregory P. Einhorn | Registration No. (Attorney/Agent) | 38,440 |
| Signature | | Telephone | (858) 720-5100 |
| | | Date | April 22, 2004 |

Duplicate Copy
For Fee Processing

SD-195856

Attorney's Docket No.: 56446-20001.20/-002006/D1100-4US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Short et al. (as amended)
Serial No. : 09/884,889
Filed : June 19, 2001
Title : CATALASES

Art Unit : 1652
Examiner : Rebecca E. Prouty, Ph.D.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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APR 22 2004

RESPONSE AND AMENDMENT

Responsive to the non-final Office Action on the merits mailed October 22, 2003, Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein. The response was initially due January 22, 2004. A Petition for a three month Extension of Time is included. Accordingly, this Response is timely filed.

Amendments to the specification are on page 2 of this paper.

Amendment to the Claims are reflected in the listing of claims which begin on page 10 of this paper.

Remarks begin on page 16 of this paper.

The following documents are also enclosed herewith:

- Transmittal letter;
- Petition for 3 month extension of time;
- Fee Transmittal;
- Copy of Applicants' June 23, 2003, IDS
- Example 14 of the USPTO Written Description Guidelines;
- Rule 132 expert declaration by Dr. Jay Short, and Dr. Short's credentials

Certificate of Transmission by Facsimile

I hereby certify that this correspondence is being transmitted by facsimile to the USPTO on the date indicated below to central fax number 703 872-9306.

4/22/04
Date of Transmission
Jeanne Armour